

REMARKS

Claims 1-26 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 8, 12, 15, 16, 18-22 to further clarify the invention.

Preliminary Matter

Applicant respectfully requests the Examiner to correct a typographical error in the name of the inventor. The inventor's last name is "HAEGEBARTH" and not "HAGEBARTH". In accordance with the MPEP, a request under 37 C.F.R. § 1.48 (official request to correct inventorship) is not required where: "a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required." MPEP § 201.03, page 200-5. Accordingly, Applicant respectfully requests the Examiner to correct the inventor's name to "HAEGEBARTH".

Statement of Substance of the Interview

Applicant thanks the Examiner for the courteous telephonic interviews on May 9 and 10, 2005. The Statement of Substance of the Interview is as follows:

During the interview, dependent claims 20, 21, 24, and 25 were discussed in view of McMullin. The Examiner acknowledged that McMullin lacks the unique features of claim 20 in combination with the features of independent claim 1. The Examiner, however, maintained that claim 21 in combination with the features of independent claim 8 are obvious over McMullin. With respect to claims 24 and 25, the Examiner maintains that the particular configurations of the adapter unit are obvious design choices.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Summary of the Office Action

Claims 1-5, 8-11, and 23 under 35 U.S.C. § 102 and claims 12-22 and 24-26 under 35 U.S.C. § 103. Claims 6 and 7 contain allowable subject matter.

Prior Art Rejections

Claims 1-5 and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,809,128 to McMullin (hereinafter “McMullin”), claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McMullin. Finally, claims 12-19, 22, and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McMullin in view of U.S. Patent No. 6,085,080 to Rahikainen et al. (hereinafter “Rahikainen”). Applicant respectfully traverses these rejections in view of the following comments.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1, as now amended, recites: “wherein the terminal to be activated is a terminal which has not yet established a connection through the data network.” The Examiner acknowledges that McMullin

does not *explicitly* disclose the inactive terminal not having a connection through a data network. The Examiner, however, alleges that the method of McMullin would be applicable when the terminal's telephone link is being used for any other use, such as another telephone call (see page 12 of the Office Action). Applicant respectfully disagrees and respectfully requests the Examiner to reconsider and withdraw this rejection of claim 1.

Specifically, McMullin discloses the IVRS, serving as a proxy for the subscriber, which processes the incoming call when the subscriber is on the phone. The subscriber's dial number is received in accordance with the process for the Dialed Number Identification Service (DNIS). A lookup of the dial number so obtained is made in the store of registered dial numbers contained within the customer record file to determine if this subscriber is served by a proxy. If there is no match, the call can be ignored, that is to say the link can be left to ring and ring without an answer and the IVRS will simply wait for the next incoming DNIS. Alternately, a no match call could be answered (that is, go off hook and establish a communications path with the caller) using a standard audio greeting to the effect that "the called number is busy or was not answered, please try again later". The IVRS would then hang up the link to disconnect the caller (Fig. 3; col. 9, lines 16 to 35).

In particular, McMullin discloses having a BUSY DATA field that is set to YES when the subscriber is engaged in a data dialogue and is set to NO when the subscriber is on the phone (Fig. 3; col. 9, lines 35 to 46). When the field is set to NO, the proxy can process the call similar to an answering machine function and may simply provide a greeting as at 410 ("Hi, I'm on the phone or unable to take your call right now, please leave a message. . .") and take a message

from the caller. In addition, McMullin discloses that the person may be a paged (Fig. 4; col. 9, line 47 to col. 10, line 4).

In other words, McMullin discloses that when the subscriber is on the telephone, the proxy serves as a conventional answering machine. If the one of ordinary skill in the art could apply the method of handling incoming calls when the terminal is engaged in a data dialogue to the instance when the subscriber is on the telephone, a separate, less advantageous method would not have been provided for the instance when the subscriber is on the telephone. Moreover, as is visible from McMullin, when the subscriber is on the phone, the caller will only obtain access to a system similar to an answering machine. That is, in McMullin, there is no establishing a connection from the terminal to be activated to the data network if the signaling indicates that the telephone call came from a server of the data network, as set forth in claim 1. In McMullin, if the subscriber is on the phone, the data network is not used and the service provided is similar to an answering machine. Finally, for the McMullin's system, it is essential that the terminal be connected to the data network so that the Data Host will acquire the address of the computer of the subscriber to which the messages regarding the incoming call is forwarded.

In summary, contrary to the present invention, McMullin does not teach or suggest using a data network when the subscriber is engaged in a telephone conversation, and contrary to the present invention, in the McMullin method cited against claim 1, it is assumed that a subscriber is engaged in using an existing data connection over his telephone line and cannot be reached by the telephone. The server uses the existing data communication to alert the subscriber and to

announce a waiting phone call or message. Based on the foregoing, Applicant respectfully submits that McMullin fails to teach or suggest the method recited in claim 1.

B. Claims 2-5

Since claims 2-5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 8

Independent claim 8, as now amended, among a number of unique features, recites:

“wherein the terminal to be activated establishes a connection to the data network if signaling indicates that the telephone call came from a server (11) of the data network, and wherein, the terminal to be activated is a terminal which has not yet established a connection through the data network.” Since claim 8 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 8 is patentable for at least analogous reasons as claim 1.

D. Claims 9-11

Since claims 9-11 are dependent upon claim 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

E. Claim 12

The Examiner has rejected claims 12 under 35 U.S.C. § 103(a) as being unpatentable over McMullin in view of Rahikainen. Applicant respectfully submits that claim 12 is patentable over the cited references.

Claim 12, among a number of unique features, recites: “the adapter unit further comprises means for identifying that the call is arriving from the server of the data network and for preventing the telephone from receiving the call at the telephone until the adapter unit and the further adapter unit establish a connection by identifying network address of other adapter unit.” McMullin fails to teach or suggest the adapter unit identifying the call and preventing the telephone from receiving the call until the adapter unit and the other adapter unit establish a connection by identifying network addresses of the other adapter unit.

Since Rahikainen fails to cure the deficient teachings of McMullin, as set forth above, Applicant submits that claim 12 is patentable over the cited references.

F. Claims 13 and 14

Since claims 13 and 14 are dependent upon claim 12, Applicant submits that such claims are patentable at least by virtue of their dependency.

G. Claim 15

Applicant submits that claim 15 is patentable over the cited reference. For example, claim 15 recites: “wherein the adapter unit identifies that the call is arriving from the server of the data network and prevents the telephone from receiving the call until the adapter unit and the further adapter unit establishing a connection by identifying network address of other adapter unit.” These exemplary features are similar to the features argued above with respect to claim 12. Therefore, for at least analogous reasons, Applicant submits that claim 15 is patentable over the cited references.

H. Claim 16

Applicant submits that claim 16 is patentable over the cited references. For example, claim 16 recites that a data network address of a further adaptor unit is retrieved. As stated above in Applicant's comments regarding claim 12, McMullin fails to teach or suggest a further adaptor unit.

Moreover, McMullin does not teach or suggest "means for identifying that the call is arriving from the server of the data network and for preventing the microcomputer from receiving the call at the microcomputer prior to the adapter unit and the further adapter unit establishing a connection between each other by identifying the network address of other adapter unit via the server." Since Rahikainen fails to cure the deficient teachings of McMullin, Applicant submits that claim 16 is patentable over the cited references.

E. Claim 17

Since claim 17 is dependent upon claim 16, Applicant submits that such claim is patentable at least by virtue of its dependency.

F. Claim 18

Similar to claim 1, claim 18 is directed to a method of activating an *inactive* terminal. Specifically, claim 18 recites: "wherein, when said terminal (6) to be activated receives the telephone call and interprets the signaling, said terminal (6) to be activated does not accept the telephone call from the server (11) if said terminal (6) to be activated recognizes the signaling as

being from the server (11), and wherein the terminal to be activated is a terminal which has not yet established a connection through the data network.”

As stated above in Applicant’s comments regarding claim 1, the alleged terminal (i.e. subscriber 28) of McMullin is already activated. The alleged server (i.e. proxy 38) merely notifies the subscriber 28 of the further incoming calls or messages. Since Rahikainen fails to cure the deficient teachings of McMullin, Applicant submits that claim 18 is patentable over the cited references.

G. Claim 19

Applicant submits that claim 19 is patentable over the cited reference. For example, claim 19 recites: “means for identifying the call arriving from the server of the data network and for preventing the telephone from receiving the call at the telephone prior to the adapter unit and the further adapter unit establishing a connection by identifying network address of other adapter unit.” These exemplary features are similar to the features argued above with respect to claim 19. Therefore, for at least analogous reasons, Applicant submits that claim 19 is patentable over the cited references.

H. Claims 20-26

Dependent claims 20 and 23 are patentable at least by virtue of their dependency on claim 1. Dependent claims 21 and 22 are patentable at least by virtue of their dependency on claims 8 and 18, respectively. Claims 24-26 are patentable at least by virtue of their dependency on claims 12, 15, and 19, respectively.

Allowable Subject Matter

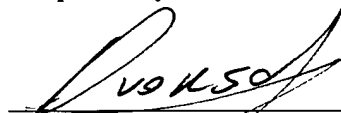
As stated above, the Examiner has indicated that claims 6 and 7 contain allowable subject matter. Applicant respectfully holds the rewriting of these claims in abeyance until arguments presented with respect to claim 1 have been reconsidered.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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